

United States District Court OCT 24 2015

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Nery GONZALEZ Jr., YOB: 1987 USC

CASE NUMBER: M-15-1790-M-03

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 10/09/2015 in Hidalgo county, in the Southern District of Texas defendant(s) did, (Track Statutory Language of Offense)

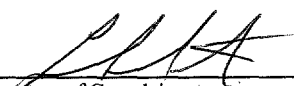
Knowingly and Intentionally possess with Intent to Distribute 246 kilograms or more of Marijuana, a Schedule I Controlled Substance.

Knowingly and Intentionally Conspire to possess with Intent to Distribute 246 kilograms or more of Marijuana, a Schedule I Controlled Substance

in violation of Title 21 United States Code, Section(s) 846, 841 (a) (1)

I further state that I am a(n) DEA Task Force Officer and that this complaint is based on the following facts: See Attachment "A".

Continued on the attached sheet and made a part of hereof: ☒ Yes ☐ No


Signature of Complainant
Carlos Mireles, DEA Task Force Officer

Sworn to before me and subscribed in my presence,

October 24, 2015

Date

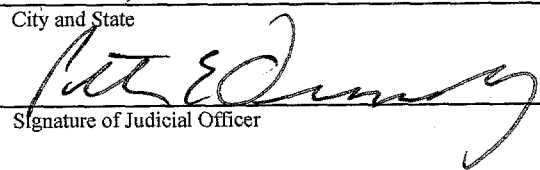
8:10pm At

McAllen, Texas

City and State

Peter Ormsby, U.S. Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT

On October 09, 2015, at approximately 5:45 pm, your affiant was contacted to the scene to assist with the investigation. The following information was either provided to your affiant by Agents and/or Officers at the scene.

On October 09, 2015, at approximately 12:45 pm, San Juan Police Officers were called out to westbound Expressway 83 in San Juan, Texas in reference to shots fired. The San Juan dispatcher, Nate Sepulveda, advised that a brown Chevy Tahoe and blue SUV were involved in a shooting and the suspects were wearing "Police" tactical gear.

At approximately 12:49 pm, Corporal Michael Martinez located a tan in color Chevrolet Tahoe traveling eastbound on the 100 block of Santa Fe Street then southbound on Raul Longoria then eastbound on Sgt. Trevino Street. Corporal Martinez got behind the vehicle and initiated his red and blue emergency over head lights to his marked patrol unit. The vehicle refused to stop, therefore San Juan Officers initiated a vehicle pursuit. The San Juan Police marked units continued the pursuit into Donna, Texas where the officers observed the rear passengers throw what appeared to be bundles of marijuana out of the rear doors of the Chevrolet Tahoe. San Juan Officers continued to pursue the vehicle but momentarily lost sight of the vehicle when the vehicle started going westbound on a canal in the area of Roosevelt Street in Donna, Texas. San Juan Police Officer Antony Flores located the same vehicle in the area of Goolie Road from Minnesota Road. The vehicle then drove into a sugar cane field where the marked units were unable to enter due to the muddy conditions. The officers set up a perimeter around the sugar cane field, in an attempt to locate the subjects.

At approximately 5:15 pm, Hidalgo County Deputy Jesse Truntham assisted and was able to locate one of the suspects that had been hiding in a neighborhood just south of where the suspect vehicle was abandoned. As the Deputy attempted to make contact with the subject he attempted to evade, but was immediately taken into custody.

The San Juan Police Officers recovered a total of five (5) bundles inside the Chevy Tahoe, three (3) bundles in the area of FM 493 and Alberta Road and one (1) bundle in the blue Ford Expedition that was abandoned on Santa Fe Street in San Juan, Texas. The San Juan Evidence custodian, Sergio Benitez, also located a Lorcin L380 .38 caliber handgun inside the blue Ford Expedition. The San Juan Evidence custodian, S. Benitez, also noticed the vehicle had multiple bullet holes on the passenger's side.

A total of nine (9) bundles of marijuana with an approximate weight of 246 kilograms of marijuana were recovered.

Your affiant, TFO Vazaldua and ATF SA Michael Cardenas inspected the Blue Ford Expedition and observed numerous bullet holes near the rear passenger quarter panel and the front passenger quarter panel.

Agents subsequently received information that an individual named Nery Gonzalez, hereinafter referred to as N. GONZALEZ, had been involved in the shooting and corresponding theft of the narcotics. On October 23, 2015, Agents from DEA and Officers from San Juan Police Department set up surveillance on a residence located on the corner of Peach and Ivory Street in Edinburg, Texas where N. GONZALEZ had last been observed. At approximately 10:30 a.m. Agents followed N. GONZALEZ to a Stripes Convenience Store located at 2200 W. Monte Cristo Road, Edinburg, Texas. N. GONZALEZ was approached and detained for questioning over the shooting that occurred on October 9, 2015.

On October 24, 2015, while at the Pharr Police Department, N. GONZALEZ was read his Miranda Warnings by TFO C. Mireles and witnessed by TFO G. Vazaldua. N. GONZALEZ subsequently waived his rights and agreed to an interview.

During the interview, N. GONZALEZ admitted to being involved in the shooting and theft of narcotics that occurred on Expressway 83 on October 09, 2015. N. GONZALEZ admitted to being in the Chevy Tahoe and acknowledged that weapons were used in an effort to get the Ford Expedition to stop. N. GONZALEZ further admitted to help loading the narcotics into the Chevy Tahoe. Once the narcotics were loaded, N. GONZALEZ stated that he got back into the Chevy Tahoe and sat in the front passenger seat.

N. GONZALEZ is being charged with Possession with Intent to Distribute Marijuana and Conspiracy to Possess with Intent to Distribute Marijuana.

Based on the information provided above your affiant believes there is enough evidence to show that N. GONZALEZ violated Title 21 USC 846,841(a)(1) in Hidalgo County, Texas.